

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS,
CONCURRING**

Re: *Promoting Broadcast Internet Innovation through ATSC 3.0*, MB Docket No. 20-145.

The ATSC 3.0 standard has transformed our broadcast spectrum into much more than just a conduit for video content. Innovative service offerings, more efficient use of limited spectrum, and improved transmission speeds are all features of this technology. I therefore support moving forward to clarify rules of the road in this proceeding for the provision of ancillary and supplementary services in the TV band.

At the same time, I raised concerns against moving too far into uncharted territory without having carefully considered how primary broadcast services might be affected as more licensees start to diversify into providing, or leasing their spectrum so others can provide, ancillary and supplementary services. Several aspects of the earlier version of this item did not have my support. I therefore worked to see a few changes with the hope of reaching consensus, because I understand that ATSC 3.0 technology is already being deployed and we have a responsibility to ensure that it is implemented in a manner that is consistent with statutory requirements, and that protects primary broadcast services and consumers. For that reason, I concur.

Specifically, I disagreed with language suggesting that the Commission lacks statutory authority to create an ATSC 3.0-compatible equipment subsidy program. That finding was unnecessary and ran the risk of hamstringing future Commissions wishing to reach a different conclusion if warranted by consumer and market needs. Although I agree that it is premature at this time to authorize such a subsidy program, that door should be left open should the need arise in the public interest.

I also opposed, as facially inconsistent with section 336(e)(1) of the Act, excluding the value of any "in-kind" facility improvements made or financed by third parties from gross revenues used to determine statutory fees. The statute requires that fees be designed to recover the value of public spectrum put to commercial use. It also provides that fees be assessed on services "for which the licensee directly *or indirectly* receives compensation from a third party in return for transmitting material furnished by such a third party" (excluding commercial advertisements) (emphasis added). This provision would have unjustly enriched licensees without a corresponding public benefit, thereby limiting the amount of fees available to cover the unrealized value of the spectrum, as Congress intended.

Finally, I would have preferred that we not allow broadcasters to transition a signal being broadcast in HD to SD in order to provide an ancillary or supplementary service. In my view that is a derogation of primary (broadcast) services in favor of secondary (ancillary and supplementary) services that would potentially lower the quality of service provided to affected consumers.

My thanks to the staff, particularly in the Media Bureau and Office of General Counsel, for their work on this complex proceeding.